

In the Matter of )  
 )  
Rate-of-Return Study Areas Potentially 100 Percent ) WC Docket No. 10-90  
Overlapped by Unsubsidized Competitors )

**GVNW CONSULTING, INC. FOR  
HOME TELEPHONE CO.  
REBUTTAL OF PRELIMINARY DETERMINATION OF 100 PERCENT OVERLAP OF  
HOME TELEPHONE CO. (ST. JACOB, ILLINOIS) BY AN UNSUBSIDIZED  
COMPETITOR OR COMBINATION OF UNSUBSIDIZED COMPETITORS**

This filing by GVNW Consulting, Inc. (“GVNW”)<sup>1</sup> is respectfully submitted on behalf of Home Telephone Co., St. Jacob, Illinois (“HomeTel”)<sup>2</sup> and is a rebuttal of the preliminary determination of the Wireline Competition Bureau (Bureau) that HomeTel is a rate-of-return study area that has unsubsidized competitor(s) that overlap it by 100 percent.<sup>3</sup>

The Public Notice lists two competitive providers in the study area served by HomeTel – AT&T Services, Inc. (“AT&T”) and Wisper ISP, Inc. (“Wisper”). With respect to AT&T, the Excel spreadsheet accessible through the link in footnote 20 of the Public Notice<sup>4</sup> shows AT&T

<sup>1</sup>GVNW Consulting, Inc. is a management consulting firm that provides a wide variety of consulting services, including regulatory and advocacy support on issues such as universal service, intercarrier compensation reform, and strategic planning for communications carriers in rural America.

<sup>2</sup>HomeTel (Home Telephone Co.) serves approximately 950 customers. It is headquartered in St. Jacob, Illinois. Its study area code (SAC) is 341032.

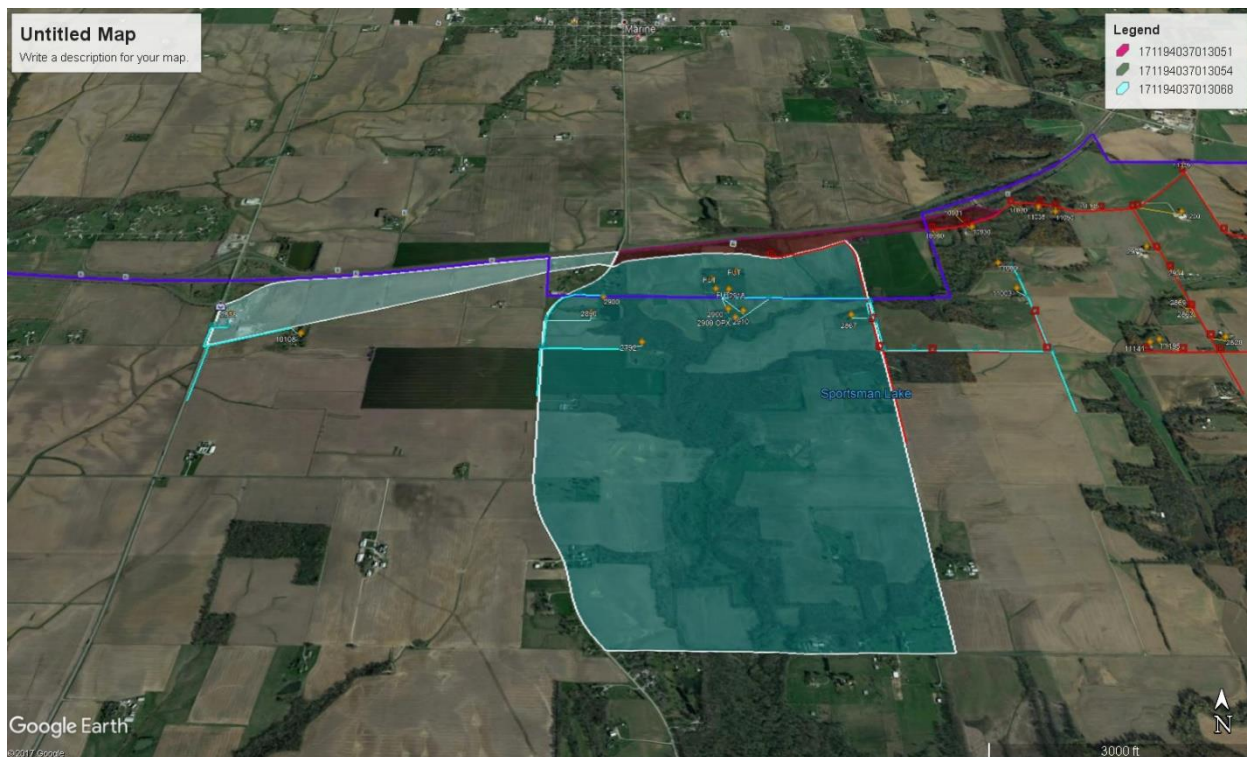
<sup>3</sup>See table following ¶ 4 of Public Notice, DA 17-760 (rel. Aug. 11, 2017) *Wireline Competition Bureau Publishes and Requests Comment on Rate-of-Return Study Areas Potentially 100 Percent Overlapped by Unsubsidized Competitors*, WC Docket No. 10-90, which lists Home Tel Co. – St. Jacob, Illinois, SAC 341032, as 100 percent overlapped by a combination of AT&T Services, Inc. and Wisper ISP, Inc.

<sup>4</sup>The Commission specified that it expected the Bureau in its biannual review to consider data from the study area boundary data collection FCC Form 477 (Form 477), and the State Broadband Initiative/National Broadband Map (SBI/NBM) when determining whether and where 100 percent overlaps exist. *See* Public Notice at ¶ 3.

serving in three census blocks also served by HomeTel.<sup>5</sup> The census blocks shown as served by AT&T within HomeTel's study area are as follows:

AT&T	171194037013051
AT&T	171194037013054
AT&T	171194037013068

In fact, the study areas of AT&T and HomeTel do not overlap. HomeTel and AT&T each serve a portion of the census blocks listed above but neither their service areas nor their study areas overlap. Each serves a discrete portion of the three census blocks. Please see the map below which demonstrates that portions of each of the three census blocks listed above are either exclusively in the study area of Home Tel or exclusively in the study area of AT&T and that there is no overlap. South of the purple line is HomeTel's study area and north of the purple line is AT&T's study area.



<sup>5</sup>These three census blocks are also shown as being served by Wisper ISP, Inc.

Therefore AT&T is not an unsubsidized competitor in the study area of HomeTel.

The elimination of AT&T as an unsubsidized competitor in HomeTel's study area leaves only Wisper, a wireless Internet service provider, as a potential unsubsidized competitor. The Excel spreadsheet accessible through the link shown in footnote 20 of the Public Notice shows Wisper serving in the following census blocks also served by HomeTel:

Wisper ISP Inc.	170279001001011
Wisper ISP Inc.	171194035311000
Wisper ISP Inc.	171194035311002
Wisper ISP Inc.	171194035311052
Wisper ISP Inc.	171194035311053
Wisper ISP Inc.	171194035322000
Wisper ISP Inc.	171194035322001
Wisper ISP Inc.	171194035322002
Wisper ISP Inc.	171194035322003
Wisper ISP Inc.	171194035322026
Wisper ISP Inc.	171194035322027
Wisper ISP Inc.	171194035322028
Wisper ISP Inc.	171194035322029
Wisper ISP Inc.	171194037012071
Wisper ISP Inc.	171194037012073
Wisper ISP Inc.	171194037012074
Wisper ISP Inc.	171194037012075
Wisper ISP Inc.	171194037012076
Wisper ISP Inc.	171194037012077
Wisper ISP Inc.	171194037012078
Wisper ISP Inc.	171194037012079
Wisper ISP Inc.	171194037012080
Wisper ISP Inc.	171194037012081
Wisper ISP Inc.	171194037012082
Wisper ISP Inc.	171194037012102
Wisper ISP Inc.	171194037012103
Wisper ISP Inc.	171194037013034
Wisper ISP Inc.	171194037013035
Wisper ISP Inc.	171194037013045
Wisper ISP Inc.	171194037013046
Wisper ISP Inc.	171194037013047
Wisper ISP Inc.	171194037013049
Wisper ISP Inc.	171194037013050
Wisper ISP Inc.	171194037013051

Wisper ISP Inc.	171194037013053
Wisper ISP Inc.	171194037013054
Wisper ISP Inc.	171194037013055
Wisper ISP Inc.	171194037013059
Wisper ISP Inc.	171194037013060
Wisper ISP Inc.	171194037013062
Wisper ISP Inc.	171194037013063
Wisper ISP Inc.	171194037013068
Wisper ISP Inc.	171194037013069
Wisper ISP Inc.	171194037013073
Wisper ISP Inc.	171194037013074
Wisper ISP Inc.	171194037013075
Wisper ISP Inc.	171194037023002
Wisper ISP Inc.	171194037023003
Wisper ISP Inc.	171194037023004
Wisper ISP Inc.	171194037023006
Wisper ISP Inc.	171194037023007
Wisper ISP Inc.	171194037023008
Wisper ISP Inc.	171194037023009
Wisper ISP Inc.	171194037023010
Wisper ISP Inc.	171194037023011
Wisper ISP Inc.	171194037023012
Wisper ISP Inc.	171194037023017
Wisper ISP Inc.	171194037023018
Wisper ISP Inc.	171194037023019
Wisper ISP Inc.	171194037023020
Wisper ISP Inc.	171194037023021
Wisper ISP Inc.	171194037023022
Wisper ISP Inc.	171194037023023
Wisper ISP Inc.	171194037023024
Wisper ISP Inc.	171194037023025
Wisper ISP Inc.	171194037023026
Wisper ISP Inc.	171194037023027
Wisper ISP Inc.	171194037023028
Wisper ISP Inc.	171194037023029
Wisper ISP Inc.	171194037023030
Wisper ISP Inc.	171194037023031
Wisper ISP Inc.	171194037023033
Wisper ISP Inc.	171194037023034
Wisper ISP Inc.	171194037023035
Wisper ISP Inc.	171194037023036
Wisper ISP Inc.	171194037023037
Wisper ISP Inc.	171194037023038
Wisper ISP Inc.	171194037023039

Wisper ISP Inc.	171194037023040
Wisper ISP Inc.	171194037023041
Wisper ISP Inc.	171194037023042
Wisper ISP Inc.	171194037023043
Wisper ISP Inc.	171194037023044
Wisper ISP Inc.	171194037023045
Wisper ISP Inc.	171194037023046
Wisper ISP Inc.	171194037023047
Wisper ISP Inc.	171194037023048
Wisper ISP Inc.	171194037023049
Wisper ISP Inc.	171194037023050
Wisper ISP Inc.	171194037023051
Wisper ISP Inc.	171194037023054
Wisper ISP Inc.	171194037023055
Wisper ISP Inc.	171194037023056
Wisper ISP Inc.	171194037023057
Wisper ISP Inc.	171194037023058
Wisper ISP Inc.	171194037023059
Wisper ISP Inc.	171194037023060
Wisper ISP Inc.	171194037023061
Wisper ISP Inc.	171194037023062
Wisper ISP Inc.	171194037023064
Wisper ISP Inc.	171194037023065
Wisper ISP Inc.	171194037023066
Wisper ISP Inc.	171194037023067
Wisper ISP Inc.	171194037023068
Wisper ISP Inc.	171194037023069
Wisper ISP Inc.	171194037023070
Wisper ISP Inc.	171194037023071
Wisper ISP Inc.	171194037023072
Wisper ISP Inc.	171194037024000
<b>Wisper ISP Inc.</b>	<b>171194037024001</b>
Wisper ISP Inc.	171194037024002
Wisper ISP Inc.	171194037024003
Wisper ISP Inc.	171194037024004
Wisper ISP Inc.	171194037024005
Wisper ISP Inc.	171194037024006
Wisper ISP Inc.	171194037024007
Wisper ISP Inc.	171194037024008
Wisper ISP Inc.	171194037024009
Wisper ISP Inc.	171194037024010
Wisper ISP Inc.	171194037024011
Wisper ISP Inc.	171194037024012
Wisper ISP Inc.	171194037024013

Wisper ISP Inc.	171194037024014
Wisper ISP Inc.	171194037024015
Wisper ISP Inc.	171194037024016
Wisper ISP Inc.	171194037024017
Wisper ISP Inc.	171194037024018
Wisper ISP Inc.	171194037024019
Wisper ISP Inc.	171194037024020
Wisper ISP Inc.	171194037024021
Wisper ISP Inc.	171194037024022
Wisper ISP Inc.	171194037024023
Wisper ISP Inc.	171194037024024
Wisper ISP Inc.	171194037024025
Wisper ISP Inc.	171194037024026
Wisper ISP Inc.	171194037024027
Wisper ISP Inc.	171194037024028
Wisper ISP Inc.	171194037024029
Wisper ISP Inc.	171194037024030
Wisper ISP Inc.	171194037024031
Wisper ISP Inc.	171194037024032
Wisper ISP Inc.	171194037024033
Wisper ISP Inc.	171194037024034
Wisper ISP Inc.	171194037024035
Wisper ISP Inc.	171194037024036
Wisper ISP Inc.	171194037024037
Wisper ISP Inc.	171194037024038
Wisper ISP Inc.	171194037024039
Wisper ISP Inc.	171194037024040
Wisper ISP Inc.	171194037024041
Wisper ISP Inc.	171194037024042
Wisper ISP Inc.	171194037024043
Wisper ISP Inc.	171194037024044
Wisper ISP Inc.	171194037024045
Wisper ISP Inc.	171194037024046
Wisper ISP Inc.	171194037024047
Wisper ISP Inc.	171194037024048
Wisper ISP Inc.	171194037024049
Wisper ISP Inc.	171194037024050
Wisper ISP Inc.	171194037024051
Wisper ISP Inc.	171194037024052
Wisper ISP Inc.	171194037024053
Wisper ISP Inc.	171194037024054
Wisper ISP Inc.	171194037024055
Wisper ISP Inc.	171194037024056
Wisper ISP Inc.	171194037024057

Wisper ISP Inc.	171194037024058
Wisper ISP Inc.	171194037024059
Wisper ISP Inc.	171194037024060
Wisper ISP Inc.	171194037024061
Wisper ISP Inc.	171194037024062
Wisper ISP Inc.	171194037024063
Wisper ISP Inc.	171194037024064
Wisper ISP Inc.	171194037024065
<b>Wisper ISP Inc.</b>	<b>171194037024066</b>
Wisper ISP Inc.	171194037024067
Wisper ISP Inc.	171194037024068
Wisper ISP Inc.	171194037024069
Wisper ISP Inc.	171194037024070
Wisper ISP Inc.	171194037024071
Wisper ISP Inc.	171194037024072
Wisper ISP Inc.	171194037024073
Wisper ISP Inc.	171194037024074
Wisper ISP Inc.	171194037024075
Wisper ISP Inc.	171194037024076
Wisper ISP Inc.	171194037024077
Wisper ISP Inc.	171194037024078
Wisper ISP Inc.	171635043021000
Wisper ISP Inc.	171635043021001
Wisper ISP Inc.	171635043021002
Wisper ISP Inc.	171635043021003
Wisper ISP Inc.	171635043021004
Wisper ISP Inc.	171635043021005
Wisper ISP Inc.	171635043021006
Wisper ISP Inc.	171635043021007
<i>Wisper ISP Inc.</i>	<i>171635043021008<sup>6</sup></i>
Wisper ISP Inc.	171635043021027
Wisper ISP Inc.	171635043021028
Wisper ISP Inc.	171635043021029
Wisper ISP Inc.	171635043021032
Wisper ISP Inc.	171635043021033
Wisper ISP Inc.	171635043021074

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<sup>6</sup>This census block is not part of the study area of HomeTel.



The attached sworn statements of residents of locations in census blocks 171194037024001 and 171194037024066<sup>7</sup> (highlighted in bold type on pages 5 and 7 in the above list and included on pages 10 through 14 of this submission) shown as served by Wisper according to its submitted Form 477, reflect that residents of locations purportedly served by Wisper in those census blocks have requested service from Wisper but have been told by Wisper that service from Wisper is not available. These sworn statements from occupants of residential locations in census blocks in HomeTel's study area preliminarily determined to be overlapped by Wisper conclusively demonstrate that Wisper does not provide service to those locations and thus does not serve 100 percent of the residential and business locations in HomeTel's study area. These two sworn statements represent a sample of locations in HomeTel's study area not served by Wisper, not necessarily all the locations not served by Wisper. Due to these locations unserved by Wisper, HomeTel is not disqualified from receiving high-cost universal service support based on the presence of Wisper qualifying as an unsubsidized competitor covering 100 percent of the locations in HomeTel's study area.<sup>8</sup>

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<sup>7</sup>See attached Sworn Statements of Gerard Falterman and Elisa D'Antonio.

<sup>8</sup>§ 54.319 Elimination of high-cost support in areas with 100 percent coverage by an unsubsidized competitor.

(a) High-cost universal service support provided pursuant to subparts K and M of this part shall be eliminated in an incumbent rate-of-return local exchange carrier study area where an unsubsidized competitor, or combination of unsubsidized competitors, as defined in § 54.5, offer(s) to 100 percent of the residential and business locations in the study area voice and broadband service at speeds of at least 10 Mbps downstream/1 Mbps upstream, with latency suitable for real-time applications, including Voice over Internet Protocol, and usage capacity that is reasonably comparable to comparable offerings in urban areas, at rates that are reasonably comparable to rates for comparable offerings in urban areas.



Since AT&T does not provide service within the study area of HomeTel, Wisper has been shown not to provide service to 100 percent of the locations in HomeTel's study area and no other providers are identified by the Bureau as unsubsidized competitors in HomeTel's study area, the 100 percent overlap determination fails. Therefore, the competitive overlap rule requirement in 47 CFR § 54.319(a) is not met and HomeTel should continue to receive all of the universal service high-cost support to which it is entitled under the Commission's rules.

Respectfully submitted,

/s/ David B. Cohen

/s/ Jeffry H. Smith

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Senior Policy Advisor

Jeffry H. Smith  
President/CEO

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September 11, 2017

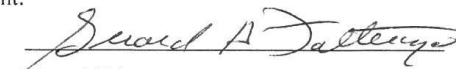
**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	WC Docket No. 10-90
Wireline Competition Bureau	)	
Publishes Preliminary Determination	)	
of Rate-of-Return Study Areas 100 Percent	)	
Overlapped by Unsubsidized Competitors	)	

**SWORN STATEMENT OF GERARD FALTERMAN**

I, Gerard Falterman, being of lawful age and duly sworn, state as follows:

1. My name is Gerard Falterman.
2. At 12:20 pm on 08/30/17, I called Wisper ISP, Inc. to inquire about getting service at 407 Mill St., St. Jacob, IL, 62281. I have attached my notes from my call with Wisper Customer Service Representative, Bree, and have labeled it "Attachment A."
3. I called the Wisper Customer Service Representative number 1-800-765-7772 extension 3.
4. I spoke with Bree who informed me the location of their equipment is 5 miles north of St. Jacob on a grain silo and too far for line of site.
5. The Customer Service Representative verified Wisper is unable to provide service to my location.
6. This completes my Sworn Statement.

  
Gerard Falterman,  
Declarant

Thank you for helping test competitor service.

Wisper Contact #: 1-800-765-7772

Your goal is to inquire about service without revealing to the competitor that this is part of a test. Take good notes while you are on the phone.

Date 08/30/17 Time 12:20

Name GERARD FALTERMAN

Address 407 MILL ST, ST JACOB 62281

\*Ask CSR for name and call back number (in case call is dropped)

CSR Name Bree CSR Extension Number #3

1. Opening

Let the customer service representative (CSR) know you are interested in getting Internet service and are exploring your options. Ask if they can provide service to you. They will probably ask for your name and address. Feel free to provide that information.

The CSR may indicate they cannot provide service in your area. If this is the case, complete this section:

☒ CSR indicated they cannot provide service in my area.

Reason given:

*Wisper needs line of sight from user to ~~cell~~ vendor equipment. The vendor equipment is 5 miles north of St Jacob on a grain silo between I70 and Hwy 143 on Lower Marine Road, too far for line of sight*

2. Identifying Options

Ask the CSR what Internet speed packages (upload and download speeds) and prices they offer.

Record what he/she tells you.

If they don't mention one, ask if there is a package (either residential or business) offering **10Megabits per second** (often referred to as 10 meg) or more?

If **NO**, tell the CSR you were looking for at least this speed, thank them for their time and hang-up. Call completed at (time): \_\_\_\_\_

If **YES**, continue with the call.

3. Terms and Conditions

Ask the CSR for information on these items:

Is there an installation fee? How much?


**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	WC Docket No. 10-90
Wireline Competition Bureau	)	
Publishes Preliminary Determination	)	
of Rate-of-Return Study Areas 100 Percent	)	
Overlapped by Unsubsidized Competitors	)	

**SWORN STATEMENT OF ELISA D'ANTONIO**

I, Elisa D'Antonio, being of lawful age and duly sworn, state as follows:

1. My name is Elisa D'Antonio.
2. At 10:00 am on 08/31/17, I called Wisper ISP, Inc. to inquire about getting service at 9832 Beacon St., St. Jacob, IL, 62281. I have attached my notes from my call with Wisper Customer Service Representative, John, and have labeled it "Attachment A."
3. I called the Wisper Customer Service Representative number 1-800-765-7772.
4. I spoke with John who informed me the location of their equipment is 3 1/2 miles west of St. Jacob on a water tower and no direct line of site to my location due to a large line of trees.
5. The Customer Service Representative verified Wisper is unable to provide service to my location.
6. Our meeting ended at 10:07 am.
7. This completes my Sworn Statement.

  
\_\_\_\_\_  
Elisa D'Antonio,  
Declarant

Thank you for helping test competitor service.

Wisper Contact #: 1-800-765-7772

Your goal is to inquire about service without revealing to the competitor that this is part of a test. Take good notes while you are on the phone.

Date 8/31/17 Time 10:00 am

Name Elisa D'Antonio

Address 9832 Beacon St, St Jacob

\*Ask CSR for name and call back number (in case call is dropped)

CSR Name John CSR Extension Number \_\_\_\_\_

**1. Opening**

Let the customer service representative (CSR) know you are interested in getting Internet service and are exploring your options. Ask if they can provide service to you. They will probably ask for your name and address. Feel free to provide that information.

The CSR may indicate they cannot provide service in your area. If this is the case, complete this section:

☒ CSR indicated they cannot provide service in my area.

Reason given:

Closest tower 3 1/2 mi W on water tower on 162. No direct line of sight to tower. Large line of trees between house and tower so can't provide service.

**2. Identifying Options**

Ask the CSR what Internet speed packages (upload and download speeds) and prices they offer.

Record what he/she tells you.

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If they don't mention one, ask if there is a package (either residential or business) offering 10Megabits per second (often referred to as 10 meg) or more?

If **NO**, tell the CSR you were looking for at least this speed, thank them for their time and hang-up. Call completed at (time): \_\_\_\_\_

If **YES**, continue with the call.

**3. Terms and Conditions**

Ask the CSR for information on these items:

Is there an installation fee? How much?

Do you have to purchase equipment? How much does that cost? How will it be installed?

Can I get my own router or do I have to lease one from you?

Is there a cancellation fee? How much is that?

**4. Service Quality**

Ask the CSR for information on service quality. For example: "Do you have good service for my location?" "Where is the tower that would serve me?"

**5. Service Timing**

Ask the CSR when they would be able to get you connected. Record what they tell you.

If they give you only a general answer, ask them how long it normally takes them to connect someone once service is ordered. Record what they tell you.

**6. Call Conclusion**

**Do not sign-up for Internet service at this time.** Thank the CSR for their time, tell them you want to finish exploring your options and will get back with them. If they ask you who else you may have contacted, tell them they are the first you have called.

Call completed at (time): 10:01am EDT